

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **Yoshinori MATSUURA et al.**

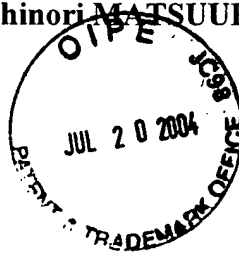
Serial Number: **09/923,963**

Filed: **August 8, 2001**

Group Art Unit: **1745**

Examiner: **Susy N. Tsang Foster**

PTO Confirmation No.: **2276**



For: **METAL HYDRIDE ALKALINE STORAGE CELL AND  
MANUFACTURING METHOD THEREOF**

Attorney Docket No.: **981032A**

Customer No.: **38834**

**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

July 20, 2004

Sir:

In response to an Office Action dated December 2, 2003, Applicants filed an Amendment and Terminal Disclaimer on February 26, 2004. Applicants note that a response to the Office Action was due on or before March 2, 2004, the final day of the three month allotted response period. Applicants attach herewith a copy of the date-stamped return post card that indices receipt of the Amendment, Terminal Disclaimer and check.

A deposit charge of \$110.00 was subsequently charged on April 21, 2004.

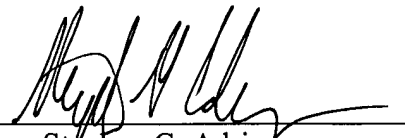
Applicants do not recognize this charge for anything that has been filed in the referenced application. A copy of the Deposit Account monthly statement dated April 30, 2004 accompanies this Request.

Application No.: 09/923,963  
Amendment dated February 26, 2004  
Reply to Office Action of December 2, 2003

Applicants request that the Patent Office refund the amount of \$110.00 to Deposit  
Account 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

By:   
Stephen G. Adrian  
Reg. No.: 32,878  
Attorney for Applicants  
Tel: (202) 822-1100  
Fax: (202) 822-1111

Attachments: Amendment; Terminal Disclaimer; and date-stamped postcard filed  
February 26, 2004  
WHDA USPTO Monthly Statement of Deposit Account dated April 30,  
2004

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# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

981032A

In re Application of: Yoshinori, MATSURRA, et al.

Application No.: 09/923,963

Filed: August 8, 2001

For: METAL HYDRIDE ALKALINE STORAGE CELL AND MANUFACTURING METHOD THEREOF

The owner\*, Sanyo Electric Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,322,925. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

 2-26-04  
\_\_\_\_\_  
Signature Date

Stephen G. Adrian

Typed or printed name

(202) 822-1100

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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